Case 4:20-cv-10276-TSH Document 1-2 Filed 02/12/20 Page 1

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Summons	CIVIL DOCKET NO.	Trial Court of Massachuseus
	20064B	The Superior Court
CASE NAME:		Dennis Pincimanus Clerk of Courts
Justin Skowron	* *	Worcester County COURT NAME & ADDRESS:
vs.	Pladralif(s)	worcester County Superior Court
and TFI Line, Inc.	Defendant(s)	22 main street Worcester, MA 0 1608

THIS SUMMONS IS DIRECTED TO C.H. Robinson Campany (Defendant's name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Worcester Superior Court.

YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.

1. You must respond to this lawsuit in writing within 20 days.

If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. If you need more time to respond, you may request an extension of time in writing from the Court.

2. How to Respond.

To respond to this lawsuit, you must file a written to response with the court <u>and</u> mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:

- a) Filing your signed original response with the Clerk's Office for Civil Business, worcester SuperiorCourt 225 Main Street, workester, who 1608 (address), by mail or in person AND
- b) Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following address: Laura A. Demerle, Esq.; 1661 Workester Road, Suite 204; Framingham, WA 01701

3. What to Include in Your Response.

An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as counterclaims) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must specifically request a jury trial in your court no more than 10 days after sending your Answer.



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COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss		WORCESTER SUPERIOR COURT C.A. No.
JUSTIN SKOWRON, Plaintiff		
v.	,	
C. H. ROBINSON COMPANY and TFI LINER, INC., Defendants		

COMPLAINT

The Parties

- The plaintiff, Justin Skowron (hereinafter "Skowron"), is a resident of the Commonwealth of Massachusetts and resides in Brimfield, MA.
- 2. The defendant, C. H. Robinson Company (hereinafter "C. H. Robinson"), is a duly organized foreign corporation doing business within the Commonwealth of Massachusetts and has a principal place of business at 14701 Charlson Road, Eden Prairie, MN, 55347. C. H. Robinson maintains a registered agent, Corporation Service Company, at 84 State Street, Boston, MA, 02109.
- 3. The defendant, TFI Liner, Inc. (hereinafter "TFI Liner") is a duly organized foreign corporation doing business within the Commonwealth of Massachusetts and has a principal place of business at 415 W 130th Street, Los Angeles, CA, 90061. TFI maintains a registered agent, Hyun Sik Shin, at the same address.

The Facts

- 4. On January 27, 2017, Skowron was employed by FlexCon in Spencer, MA.
- On that date, while in the course and scope of his employment with FlexCon,
 Skowron was operating a forklift inside a tractor trailer.
- 6. Upon information and belief, C. H. Robinson was retained by FlexCon to coordinate a delivery from FlexCon to another location.
- 7. Upon information and belief, C. H. Robinson contracted with TFI Liner to make the delivery from FlexCon to another location.
- 8. Upon information and belief, the tractor trailer in which Skowron was operating the forklift was owned and/or operated by TFI Liner.
- 9. While in the tractor trailer, the trailer suddenly and without warning dropped approximately 12 inches.
- 10. The sudden drop caused Skowron to strike his head on the top of the forklift.
- 11. As a result of the drop, Skowron suffered a serious back injury, for which he received medical treatment and back surgery.
- 12. Skowron continues to suffer from this back injury and continues to receive medical treatment for the same.

<u> COUNT I – NEGLIGENCE – C. H. Robinson</u>

- 13. Skowron hereby re-alleges each and every allegation contained within paragraphs1 through 12 as if specifically set forth herein.
- 14. C. H. Robinson, as a broker and through its agreement with FlexCon, owed a duty of care to Skowron to provide reasonably skillful services in selecting the company charged with the transportation services FlexCon required.

- 15. C. H. Robinson breached that duty of care when it:
 - Failed to provide reasonably skillful services in selecting a transportation company on behalf of FlexCon;
 - Failed to hire, train and supervise competent employees and/or subcontractors;
 - c. Failed to warn Skowron and/or FlexCon of the existence of a dangerous condition with the trailer.
- 16. As a result of C. H. Robinson's negligence, Skowron was exposed to a dangerous condition within the trailer brokered by C. H. Robinson.
- 17. As a result of C. H. Robinson's negligence, Skowron was injured when the trailer suddenly dropped.
- 18. As a result of his injuries, Skowron has sought and received medical treatment, including surgery, and continues to suffer from pain.
- 19. Skowron states the accident, and his resulting injuries and damages were proximately caused by C. H. Robinson's negligence.

WHEREFORE, the plaintiff, Justin Skowron, seeks judgment against the defendant and such other and further relief that this Honorable Court deems fair and just.

<u>COUNT II – NEGLIGENCE – TFI Liner</u>

- Skowron hereby re-alleges each and every allegation contained within paragraphs1 through 19 as if specifically set forth herein.
- 21. On January 27, 2017, TFI Liner owed a duty of care to Skowron to operate its equipment in a reasonably skillful manner.

- 22. On January 27, 2017, TFI Liner owed a duty of care to Skowron to maintain its equipment so as to prevent the trailer from suddenly dropping.
- 23. On January 27, 2017, TFI Liner breached that duty of care when it:
 - a. Failed to provide a properly working trailer or other equipment;
 - Failed to hire, train and supervise competent employees and/or subcontractors to operate the equipment;
 - c. Failed to warn Skowron and/or FlexCon of the existence of a dangerous condition with the TFI Liner's trailer.
- 24. As a result of TFI Liner's negligence, Skowron was exposed to a dangerous condition within the trailer owned and/or operated by TFI Liner.
- 25. As a result of TFI Liner's negligence, Skowron was injured when the trailer suddenly dropped.
- 26. As a result of his injuries, Skowron has sought and received medical treatment, including surgery, and continues to suffer from pain.
- 27. Skowron states the accident, and his resulting injuries and damages were proximately caused by TFI Liner's negligence.

WHEREFORE, the plaintiff, Justin Skowron, seeks judgment against the defendant and such other and further relief that this Honorable Court deems fair and just.

REQUEST FOR JURY TRIAL

The plaintiff, Justin Skowron, respectfully requests a jury trial on all issues pleaded or to be pleaded.

Respectfully Submitted, Justin Skowron, By his attorneys,

1 Demerle

Jacques N. Parenteau, BBO# 559745 jp@nesubro.com
Diana D. O'Hara, BBO# 642384 do@nesubro.com
Laura A. Demerle, BBO# 645690 ld@nesubro.com
Parenteau & O'Hara, P.C.
1661 Worcester Road, Suite 204
Framingham, MA 01701 (508) 232-6267

Dated: 1/17/20

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PLARTIFF(S): Justin Slowing ADDRESS: 34 DK HII Read ATTORNEY: Laws A. Demark, Exp. ADDRESS: Parentau & Orton, P.C. ADDRESS: Parentau & Orton, P.C. ADDRESS: Parentau & Orton, P.C. ADDRESS: C.H. Robinson Conjeanly and TFI Liber, Inc. ATTORNEY: Laws A. Demark, Exp. ADDRESS: Parentau & Orton, P.C. ADDRESS: C.J. Robinson, do Corposition Service Company, 54 State St. Busies, MA, 62100 TYPE OF ACTION AND TRACK DESIGNATION (see reverse side) TYPE OF ACTION AND TRACK DESIGNATION (see reverse side) TYPE OF ACTION AND TRACK DESIGNATION (see reverse side) TYPE OF ACTION (specify) TRACK HAS A JURY CLAIM BEEN MADE? WES NO STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff's coursel relies to determine moving dama or this form, disregard dictible of tribble damage claims, indicate single damages only. Documented medical expenses to date. 1. Total individual display expenses . 2. Total doctor expenses . 3. Total individual companies to date. 1. Total physical theritary expenses . 3. Total individual physical theritary expenses . 4. Total physical theritary expenses . 5. Total divider explainse (seedings blow) Subtocal (A): Subtoca	ADDRESS: 34 Dix Hill Road Brimfield, MA 01010 ATTORNEY: Laura A. Demerle, Esq. ADDRESS: Parenteau & O'Hara, P.C. 1661 Worcester Rd., Suite 204 Framingham, MA 01701 BBO: 645690 TYPE OF ACTION AND TRACK TYPE OF ACTION (specify) Negligence - Personal Injury *if "Other" please describe: Is there a claim under G11 c. 93A? YES XI NO STATEMENT OF DAMAGES P the following is a full, itemized and detailed statement of the facts on which the ure or this form, disregard double or treble damage claims; indicate single damages TORT Documented medical expenses to date: 1. Total hospital expenses 2. Total doctor expenses 3. Total chiropractic expenses 4. Total physical therapy expenses 5. Total other expenses (describe below)	ADDRESS: C.H. Robinson - TFI Liner - c/o Hi DESIGNATIC TI F is th URSUANT To Indersigned pi only. I CLAIMS sheets as ne	c/o Corporation c/o Corporation dyun Sik Shin, 4 ON (see rev RACK YES O G.L. c. 24	on Service Compared to Ser	pany, 84 State St. L Los Angeles, C. A JURY CLAI YES r Mass. R. Civ	I., Boston, MA, 02 2A, 90061 IM BEEN MAC NO V. P. 237	2109 DE?
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Is there a claim under GLL c. 83A? Is the a class action under Mass. R. Civ. P. 237 YES NO YES YES NO YES YES NO YES YES NO YES	Is there a claim under G.L. c. 93A? YES NO STATEMENT OF DAMAGES P The following is a full, itemized and detailed statement of the facts on which the user this form, disregard double or treble damage claims; indicate single damages TOR (attach additional Documented medical expenses to date: 1. Total hospital expenses 2. Total doctor expenses 3. Total chiropractic expenses 4. Total physical therapy expenses 5. Total other expenses (describe below)	URSUANT To indersigned proofly. If CLAIMS sheets as ne	YES OG.L. c. 21	12, § 3A	NÓ		
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reby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the	 11:18) requiring that I provide my clients with information about court-or antages and disadvantages of the various methods of dispute resolution 	onnected as	spute resor	lution service	es and discu	uss with ther	m the

CIVIL TRACKING ORDER (STANDING ORDER 1- 88)	DOCKET NUMBER 2085CV00064 B	Trial Court of Massachusetts The Superior Court	Ŵ
CASE NAME: Skowron, Justin vs. C.H. Robinson Compan	Dennis P. McManus, Clerk of Courts		
To: Laura A Demerle, Esq. Parenteau & O'Hara, P.C. 1661 Worcester Rd Suite 204 Framingham, MA 01701		COURT NAME & ADDRESS Worcester County Superior Court 225 Main Street Worcester, MA 01608	

TRACKING ORDER - F - Fast Track

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION

DEADLINE

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		04/16/2020	
Response to the complaint filed (also see MRCP 12)		05/18/2020	de la companya de la
All motions under MRCP 12, 19, and 20	05/18/2020	06/15/2020	07/15/2020
All motions under MRCP 15	05/18/2020	06/15/2020	07/15/2020
All discovery requests and depositions served and non-expert depositions completed	11/12/2020		Albert Steel
All motions under MRCP 56	12/14/2020	01/11/2021	
Final pre-trial conference held and/or firm trial date set			05/11/2021
Case shall be resolved and judgment shall issue by			01/17/2022

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time. Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service. This case is assigned to

DATE ISSUED	ASSISTANT CLERK	PHONE
01/17/2020	Gail Dempsey	(508)831-2364
Date(Time Driesed) of 17 2020 00:00		